

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

v.

Case No. 2:12-cv-13590

District Judge Sean F. Cox

Magistrate Judge Anthony P. Patti

DANIEL HEYNS, *et al.*,

Defendants.

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**ORDER REQUIRING SUPPLEMENTAL BRIEFING**

This case was referred to Magistrate Judge Komives for all pretrial matters on August 23, 2012, and was reassigned to me on January 13, 2015. Defendant Surjit Dinsa filed a motion for summary judgment in this action on September 16, 2015, along with a motion to seal an exhibit. (DE 112 and 115.) The Court granted Defendant's motion to seal on September 21, 2015, and allowed Defendant to file an excerpt of Plaintiff's medical records under seal as Exhibit 1. (DE 114.) Plaintiff responded to the motion for summary judgment on October 26, 2015, and Defendant filed an untimely reply on February 4, 2016. (DE 118 and 121.)

As part of Plaintiff's response in opposition to the summary judgment motion, he questions the authenticity of the medical records provided in Exhibit 1, and asserts that the documents contain false information that was added in anticipation of litigation on this issue. (*See, e.g.*, DE 118 at 10.) The briefing as it

stands does not provide me with enough information to make a decision on this issue. Accordingly, in lieu of holding an evidentiary hearing,<sup>1</sup> I will allow the parties to submit supplemental briefing on this limited issue. Accordingly, Defendant shall file a supplemental brief addressing only the authenticity of the medical records **ON OR BEFORE MAY 13, 2016**. Plaintiff shall file a response **ON OR BEFORE MAY 27, 2016**. The briefs shall be limited to no more than three pages, not inclusive of any necessary supporting affidavits or declarations.

**IT IS SO ORDERED.**

Dated: February 13, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the forgoing document was sent to parties of record on April 28, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti

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<sup>1</sup> A magistrate judge may hold an evidentiary hearing on a motion for summary judgment that he or she has been referred. *See, e.g., Chrimar Sys., Inc. v. Foundary Networks, Inc.*, No. Civ.A. 06-13936, 2012 WL 3138112, at \*6 (E.D. Mich. Aug. 1, 2012), *report and recommendation adopted*, 2012 WL 3133897, *aff'd*, 501 F. App'x 977 (Fed. Cir. 2013).

